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 CARMANAH TECHNOLOGIES CORP.

UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

CARMANAH TECHNOLOGIES CORP.,  
  
 Plaintiff,  
  
 v.  
  
 SOLAR OUTDOOR LIGHTING, INC.,  
  
 Defendant.

Case No. C 07-03450 WDB

**REQUEST TO EXTEND THE TIME LIMIT  
 FOR SERVICE OF THE COMPLAINT AND  
 [PROPOSED] ORDER**

Plaintiff Carmanah Technologies Corp. ("Carmanah") hereby requests the court to extend the time limit for the service of its summons and complaint against Defendant Solar Outdoor Lighting, Inc. by ninety days, and submits a [Proposed] Order to that effect.

This case is an action for patent infringement of U.S. Patent No. 6,355,989 and U.S. Patent No. 6,621,177. Carmanah filed its complaint on July 2, 2007 against Defendant. Application of Federal Rule of Civil Procedure 4(m) provides that the deadline for service in this case is, by default, October 30, 2007. Rule 4(m) also provides, however, that the court shall extend the time for service for an appropriate period should the plaintiff show good cause.

Though the complaint has not yet been formally served upon the Defendant, the parties are presently engaged in negotiations related to settlement and possible licensing of the patents at issue. Defendant is well aware that the action is pending. The parties have expressed a mutual optimism for an out-of-court resolution to the dispute. No prejudice to Defendant will occur as a result of this

1 extension. The extension will preserve the cooperative posture presently shared by the parties in their  
2 negotiations. If the deadline for service were not extended, both parties would be forced to commence  
3 litigation which, given the ongoing settlement negotiations, would be against the best interests of both  
4 sides.

5  
6 DATED: October 25, 2007

TOWNSEND AND TOWNSEND AND CREW LLP

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8 By: /s/ Steven C. Kam  
Theodore T. Herhold  
Steven C. Kam

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10 Attorneys for Plaintiff Carmanah Technologies Corp.

11  
12 **ORDER**

13 After consideration of Plaintiff Carmanah Technologies Corporation's request and good cause  
14 being shown, this Court hereby orders that the time limit for service of the summons and complaint  
15 currently expiring October 30, 2007 at 4 p.m. be extended to January 28, 2008 at 4 p.m. under the  
16 provisions of Federal Rule of Civil Procedure 4(m).

17 IT IS SO ORDERED.

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19 Dated: \_\_\_\_\_

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Wayne D. Brazil  
United States District Court Magistrate Judge

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